

SUCV2003-05756
Frederick v Skillsoft Corporation

04 cv 10066-064

File Date	12/08/2003	Status	Disposed: transfered to other court (dtrans)
Status Date	01/13/2004	Session	A - Civil A
Origin	1	Case Type	A01 - Services, labor, materials
Lead Case		Track	F

Service	03/07/2004	Answer	05/06/2004	Rule 12/19/20	05/06/2004
Rule 15	05/06/2004	Discovery	10/03/2004	Rule 56	11/02/2004
Final PTC	12/02/2004	Disposition	01/31/2005	Jury Trial	Yes

Plaintiff John Frederick Active 12/08/2003 Defendant Skillsoft Corporation Served: 12/23/2003 Served (answr pending) 01/08/2004	Private Counsel 543030 John Lawrence Sullivan Seven MacDonald Terrace Post Office Box 11 Scituate, MA 02066 Phone: 781-545-1144 Active 12/08/2003 Notify Private Counsel 639597 Kent D Sinclair Seyfarth Shaw World Trade Center East Two Seaport Lane Suite 300 Boston, MA 02210-2028 Phone: 617-946-4800 Fax: 617-946-4801 Active 01/13/2004 Notify
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Date	Paper	Text
12/08/2003	1.0	Complaint of filed with request for trial by jury
12/08/2003		Origin 1, Type A01, Track F.
12/08/2003	2.0	Civil action cover sheet filed
01/08/2004	3.0	SERVICE RETURNED: Skillsoft Corporation(Defendant) (In hand to Elisa Lemaster)
01/12/2004		Certified copy of petition for removal to U. S. Dist. Court of Deft. Skillsoft Corporation U. S. Dist.#(04-CV10066WGY).
01/13/2004		Case REMOVED this date to US District Court of Massachusetts

HEREBY ATTEST AND CERTIFY ON

JAN. 13. 2004 THAT THE
FOREGOING DOCUMENT IS A FULL,
TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN MY OFFICE,
AND IN MY LEGAL CUSTODY.

MICHAEL JOSEPH DONOVAN
CLERK / MAGISTRATE

SUFFOLK SUPERIOR CIVIL COURT
DEPARTMENT OF THE TRIAL COURT

BY: 
ASSISTANT CLERK.

PLAINTIFF(S)
 JOHN FREDERICK

DEFENDANT(S)
 SKILLSOFT CORPORATION

ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE
 John L. Sullivan, Esquire
 Seven MacDonald Terrace
 Post Office Box Eleven, Scituate, MA 02066
 Board of Bar Overseers number 543030 Tel: 781-545-1144

ATTORNEY (if known)

Origin code and track designation

Place an x in one box only:

- | | |
|---|---|
| <input checked="" type="checkbox"/> 1. F01 Original Complaint | <input type="checkbox"/> 4. F04 District Court Appeal c.231, s. 97 & 104 (After trial) (X) |
| <input type="checkbox"/> 2. F02 Removal to Sup.Ct. C.231,s.104 (Before trial) (F) | <input type="checkbox"/> 5. F05 Reactivated after rescript; relief from judgment/Order (Mass.R.Civ.P. 60) (X) |
| <input type="checkbox"/> 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X) | <input type="checkbox"/> 6. E10 Summary Process Appeal (X) |

TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)

CODE NO.	TYPE OF ACTION (specify)	TRACK	IS THIS A JURY CASE?
A01	Services, labor, mat.	(F)	(X) Yes () No

The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.

TORT CLAIMS

(Attach additional sheets as necessary)

A. Documented medical expenses to date:

- | | |
|------------------------------------|----|
| 1. Total hospital expenses | \$ |
| 2. Total Doctor expenses | \$ |
| 3. Total chiropractic expenses | \$ |
| 4. Total physical therapy expenses | \$ |
| 5. Total other expenses (describe) | \$ |
| Subtotal | \$ |

B. Documented lost wages and compensation to date

C. Documented property damages to date

D. Reasonably anticipated future medical and hospital expenses

E. Reasonably anticipated lost wages

F. Other documented items of damages (describe)

G. Brief description of plaintiff's injury, including nature and extent of injury (describe)

TOTAL \$

CONTRACT CLAIMS

(Attach additional sheets as necessary)

Provide a detailed description of claim(s):

Commission monies owed by Defendant to Plaintiff

TOTAL \$82,662.39....

PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT

"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."

Signature of Attorney of Record

DATE: 11/24/03

AOTC-6 mtc005-11/99
 A.O.S.C. 1-2000

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 DEPARTMENT OF THE TRIAL COURT

BY

ASSISTANT CLERK

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK,SS

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION NO.

03-5756 A

JOHN FREDERICK,
Plaintiff

V.

SKILLSOFT CORPORATION,
Defendant

COMPLAINT AND DEMAND
FOR JURY TRIAL

CLERK OF COURT
JAN 26 2004
P. 2:30
MAGISTRATE

1. John Frederick, Plaintiff in the above-entitled action (hereinafter "Plaintiff") resides at 988 Comar Drive, Lake Zurich, Illinois.
2. SkillSoft, Defendant in the above-entitled matter (hereinafter "Defendant") is a New Hampshire corporation with a business address of 107 Northeastern Boulevard, Nashua, New Hampshire 03062.
3. The Plaintiff sold product to and through an entity known as Provant. Provant at all times pertinent to the matters in this action, had its principal place of business located at Suite 500, 67 Batterymarch Street, Boston, Suffolk County, Massachusetts.
4. At pertinent and relevant times the Plaintiff was employed by the Defendant.
5. On or about January 2000 the Defendant contracted with the Plaintiff as a chanel account manager generating revenue for its company.
6. The Defendant compensated the Plaintiff in the form of base pay plus commission based upon quotas, contractual upgrades, and various incentives.
7. The Plaintiff continued his employment with the Defendant through April, 2002 selling products throughout the Commonwealth of Massachusetts.
8. However at the end of the Plaintiff's employment there remained a substantial unpaid sum of commission monies which the Defendant owed to the Plaintiff.
9. To date those commission monies and severance package which the Plaintiff earned totaling \$82,662.39 remain unpaid.

10. The Defendant accordingly has breached its contract with the Plaintiff by steadfastly refusing to provide to the Plaintiff those aforementioned monies which are owed to him, without cause.

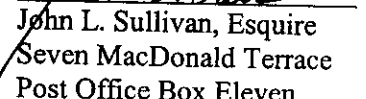
WHEREFORE, the Plaintiff prays this Honorable Court:

1. Order judgment in his favor against the Defendant in the amount of \$82,662.39;
2. Order the Defendant to pay all of the Plaintiff's costs and attorney's fees.
3. Grant such other relief as it deems fair and equitable.

PLAINTIFF DEMAND A TRIAL BY JURY.

Respectfully submitted,
John Frederick,
By his attorney,

Dated: November 24, 2003


John L. Sullivan, Esquire
Seven MacDonald Terrace
Post Office Box Eleven
Scituate, Massachusetts 02066
BBO #543030
Tel: 781-545-1144

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CLERK / MAGISTRATE
SUFFOLK SUPERIOR CIVIL COURT
DEPARTMENT OF THE TRIAL COURT

BY 

ASSISTANT CLERK.

Suffolk Superior Civil # 03-575 **COP**

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

2004 JAN 12 P 3:01

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION NO. 03-05756A

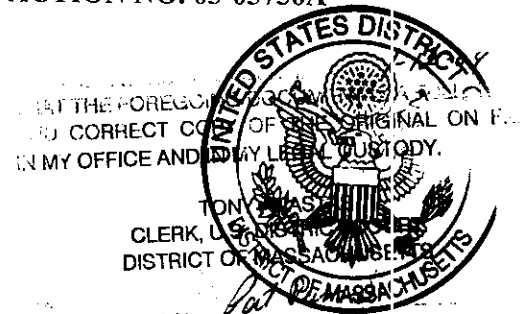
JOHN FREDERICK, U.S. DISTRICT COURT
DISTRICT OF MASS

Plaintiff,

v.

SKILLSOFT CORPORATION,

Defendant.



04 cv 10066 WGY

NOTICE OF REMOVAL

Please take notice that on January 12, 2004, Defendant SkillSoft Corporation, by its undersigned counsel, filed its Petition for Removal of this action to the United States District Court for the District of Massachusetts. A true copy of the Petition of Removal is attached hereto as Exhibit 1.

Pursuant to 28 U.S.C. § 1446(d), the Suffolk Superior Court may not proceed further with this matter.

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MICHAEL JOSEPH DONOVAN
CLERK / MAGISTRATE
SUFFOLK SUPERIOR CIVIL COURT
DEPARTMENT OF THE TRIAL COURT

ASSISTANT CLERK.

DATED: January 12, 2004

Respectfully submitted,
SKILLSOFT CORPORATION
By its Attorney(s),

Kent B. Sinclair (BEC # 639597)
Seyfarth Shaw LLP
Two Seaport Lane, Suite 300
Boston, MA 02210-2028
(617) 946-4800

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION NO. 03-05756A

JOHN FREDERICK,

Plaintiff,

v.

SKILLSOFT CORPORATION,

Defendant.

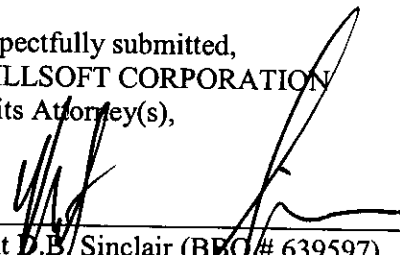
RECEIVED
JAN 12 2004
CLERK'S OFFICE
SUFFOLK SUPERIOR COURT

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Respectfully submitted,
SKILLSOFT CORPORATION
By its Attorney(s),



Kent D.B. Sinclair (BEC # 639597)
Seyfarth Shaw LLP
Two Seaport Lane, Suite 300
Boston, MA 02210-2028
(617) 946-4800

DATED: January 12, 2004

CERTIFICATION

I, Kent D.B. Sinclair, hereby certify that on January 12, 2004, I served a copy of the foregoing document by Federal Express on John L. Sullivan, Esquire, Seven MacDonald Terrace, Scituate, Massachusetts 02066.



Kent D.B. Sinclair

CERTIFICATION

I, Kent D.B. Sinclair, hereby certify that on January 12, 2004, I served a copy of the foregoing document by Federal Express on John L. Sullivan, Esquire, Seven MacDonald Terrace, Scituate, Massachusetts 02066.



Kent D.B. Sinclair

Commonwealth of Massachusetts

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SUFFOLK, ss.



SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION

No. 03-5700 A

John Frederick , Plaintiff(s)

v.

Skillsoft Corporation, Defendant(s)

SUMMONS

To the above-named Defendant:

You are hereby summoned and required to serve upon John L. Sullivan, Esquire, Seven
MacDonald Terrace, Post Office Box Eleven, Scituate, Massachusetts 02066

plaintiff's attorney, ~~whose address is~~ _____, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Boston either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, **Suzanne V. DelVecchio, Esquire**, at Boston, the 15th day of December, in the year of our Lord two thousand and three.

Michael Joseph Donovan

Clerk/Magistrate

NOTES

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.
3. TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED
- (1) TORT (2) MOTOR VEHICLE TORT ... (3) CONTRACT (4) EQUITABLE RELIEF (5) OTHER

FORM CIV.P. 1 3rd Rev.

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SUFFOLK SUPERIOR CIVIL COURT
DEPARTMENT OF THE TRIAL COUR

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ASSISTANT CLERK